

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SWEETHUB LLC d/b/a HONIX, HEALTH
GARDEN OF NEW YORK, INC., and SWEET
VALLEY PACKERS INC.,

Plaintiffs,

**TEMPORARY RESTRAINING
ORDER**

- against -

No. 23-CV-312 (CS)

NOVELTY BRANDS, INC., JCLM GROUP, INC.
and JACOB SCHWARTZ,

Defendants.

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Seibel, J.

UPON the Amended Declaration of Adam I. Kleinberg and the attached exhibits; the Affidavit of Joel Phillip, the Chief Executive Officer of each plaintiff corporate entity, sworn to on February 14, 2023; the Affidavit of Hasseb Ali sworn to on February 14, 2023; Plaintiffs' Memorandum of Law in Support of Motion for a Temporary Restraining Order and Preliminary Injunction; and upon all prior pleadings and proceedings, including the hearing held before the Court on February 15, 2023, it is hereby:

ORDERED, that the above-named Defendants show cause before this Court, at Room 621, of the United States Courthouse for the Southern District of New York, located at 300 Quarropas Street, White Plains, New York, 10601, on a date to be determined after the parties confer, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure during the pendency of this action:

1. Enjoining Defendants from contacting any of the customers or customer leads included on the customer lists that Defendants obtained from Plaintiffs, and from utilizing associated pricing, preference, "recipe" and other customer-specific

information obtained from Plaintiffs;

2. Enjoining Defendants from utilizing any of the vendor-specific information – including pricing, preferences, and “recipe” information – obtained from Plaintiffs that is not otherwise publicly available;
3. Enjoining Defendants from contacting Plaintiffs’ vendors without making clear that Defendant Schwartz is no longer associated with Plaintiffs and that he works for his own company; and
4. Directing Defendants to return control of all websites and social media accounts belonging to Plaintiffs, and to restore the content of such websites and social media accounts to their original form as they existed prior to the termination of Defendant Schwartz’s employment, to the extent they have the ability to do so.

IT IS FURTHER ORDERED, that sufficient reason having been shown therefore, pending the hearing of Plaintiffs’ application for a preliminary injunction, but in no event more than fourteen days beyond the issuance of this order unless extended by the Court, Defendants are temporarily restrained and enjoined from:

1. Contacting any of the customers or customer leads included on the customer lists that Defendants obtained from Plaintiffs, and from utilizing associated pricing, preference, “recipe” and other customer-specific information obtained from Plaintiffs;
2. Utilizing any of the vendor-specific information – including pricing, preferences, and “recipe” information – obtained from Plaintiffs that is not otherwise publicly available; and
3. Contacting Plaintiffs’ vendors without making clear that Defendant Schwartz is no

longer associated with Plaintiffs and that he works for his own company;
and Defendants are further **ORDERED** to

4. Return control of all websites and social media accounts belonging to Plaintiffs, and to restore the content of such websites and social media accounts to their original form as they existed prior to the termination of Defendant Schwartz's employment, to the extent they have the ability to do so.

IT IS FURTHER ORDERED that the parties are to confer on a bond amount pursuant to Federal Rule of Civil Procedure 65(c), and advise the Court no later than February 21, 2023 as to whether they have agreed upon a bond and in what amount, and if they have not agreed by then Plaintiffs shall post a bond of \$10,000 on February 21, 2023.

IT IS FURTHER ORDERED that opposing papers, if any, shall be served by email on Adam I. Kleinberg, Sokoloff Stern LLP, attorneys for Plaintiffs, and filed with the Court, on a date to be agreed upon by the parties by February 21, 2023, or, if they cannot agree, to be set by the Court at the conference on February 22, 2023.

SO ORDERED.

Dated: February 16, 2023
White Plains, New York



CATHY SEIBEL, U.S.D.J.